

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

**U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE REGISTERED
HOLDERS OF AEGIS ASSET BACKED
SECURITIES TRUST, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2005-5,**

Plaintiff,

v.

CASE No. 17-cv-00141-WES-PAS

**GILBERT LANTINI, II; PROVIDENCE
WATER SUPPLY BOARD ACTING BY
AND THROUGH THE CITY OF
PROVIDENCE,**

Defendants. /

**AFFIDAVIT OF SUSAN W. CODY IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

I, Susan W. Cody, depose on oath as follows:

1. I am attorney associated with the law firm of Korde & Associates, P.C. (the "Firm") in Lowell, Massachusetts and have been duly licensed to practice law in the State of Rhode Island since 1999 (RI Bar # 6150).

2. The Firm maintains an electronic case management system ("CMS") in which attorneys and legal assistants acting under the direction of the Firm's attorneys enter all case-related activity simultaneously or nearly simultaneously with the occurrence of such activity. CMS identifies the name of the attorney or legal assistant making the entry, the date and time such entry is made and a description of the activity (i.e., pleading filed, notice or correspondence sent, phone call received, etc.) as entered by the attorney or assistant making the entry. In addition, copies of pleadings, notices, affidavits, title examinations, title rundowns, correspondence and other documents relating to the case are uploaded to CMS.

3. In the course of preparing this affidavit, I have consulted the Firm's CMS system and the documents uploaded to such system in connection with the foreclosure action referenced in the Complaint.

4. On July 22, 2016, in my capacity as attorney for U.S. Bank, I sent the Borrower, Gilbert Lantini, II, and his Attorney, John Ennis, Notices of Default via certified and first class mail. True and accurate copies of said Notices are attached to the Complaint as Exhibit 6. See Complaint, ¶ 19.

5. At the time the Notices of Default were sent, Receipts for Certified Mail were received from the Post Office and uploaded into CMS. These Receipts, together with USPS Tracking Results for each Notice sent by certified mail, are attached hereto as Exhibit 1.

6. The USPS Tracking Results indicate that the Notice of Default sent to Attorney Ennis was delivered on July 25, 2016, and that the Notice of Default sent to the Borrower at the 23 Rotary Drive, Johnson, RI address was delivered on July 26, 2016.

7. On August 25, 2016, in my capacity as attorney for U.S. Bank, I sent the Borrower, Gilbert Lantini, II, and his Attorney, John Ennis, Notices of Acceleration via certified and first class mail. True and accurate copies of said Notices are attached to the Complaint as Exhibit 8. Complaint, ¶ 20.

8. At the time the Notices of Acceleration were sent, Receipts for Certified Mail were received from the Post Office and uploaded into CMS. These Receipts, together with USPS Tracking Results for each Notice sent by certified mail, along with the returned Return Receipt from the Notice sent to Attorney Ennis, are attached hereto as Exhibit 2.

9. The USPS Tracking Results indicate that the Notice of Acceleration sent to the Borrower at the 23 Rotary Drive, Johnson, RI address was delivered on August 27, 2016, and that

the Notice of Acceleration sent to Attorney Ennis was delivered on August 29, 2016. The returned green card for the Notice of Acceleration sent to Attorney Ennis was received by the Firm and scanned into CMS on September 1, 2016.



Susan W. Cody, Esq.

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

On this 16th day of March, 2018, before me, the undersigned Notary Public, personally appeared Susan W. Cody, personally known to the Notary to be the person who signed above in my presence and who swore or affirmed to the Notary that the contents of the document are truthful to the best of her knowledge.



HANNAH L. TAYLOR
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 25, 2022

Notary Public: 

My commission expires: 

November 25, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March _____, 2018, I caused this document to be filed through the electronic filing system with electronic service completed on all parties registered therein to receive notice in this case.

The document electronically filed and served is available for viewing and/or downloading from the United State District Court for the District of Rhode Island's Electronic Case Filing System.

/s/ Walter H. Porr, Jr., Esq.

Walter H. Porr, Jr., Esq.,

EXHIBIT

1

9414 7266 9904 2072 0154 75

TO:

Gilbert Lantini, II
c/o John Ennis, Esq
1200 Reservoir Avenue
Cranston, RI 02920

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.465

3.30

2.70

6.465

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Certified Mail®

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042072015475[Remove X](#)

Your item was delivered to an individual at the address at 8:47 am on July 25, 2016 in CRANSTON, RI 02920.

Delivered

July 25, 2016 at 8:47 am
DELIVERED, LEFT WITH INDIVIDUAL
CRANSTON, RI 02920

Tracking History



July 25, 2016, 8:47 am

Delivered, Left with Individual
CRANSTON, RI 02920

Your item was delivered to an individual at the address at 8:47 am on July 25, 2016 in CRANSTON, RI 02920.

July 23, 2016, 11:28 pm

Departed USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 11:32 am

Arrived at USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 8:55 am

Departed USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

July 22, 2016, 10:59 pm

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

Product Information



See Less

Can't find what you're looking for?

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Sign Up

([https://reg.usps.com/entreg/RegistrationAction_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgc)

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9414 7266 9904 2072 0154 68

TO:

Gilbert Lantini, II
23 Rotary Drive
Johnston, RI 02919

SENDER:Rhode Island

REFERENCE:Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.465

3.30

2.70

6.465

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Track Another Package +

Tracking Number: 9414726699042072015468

Remove X

Your item was delivered at 3:43 pm on July 26, 2016 in JOHNSTON, RI 02919.

Delivered

July 26, 2016 at 3:43 pm

DELIVERED

JOHNSTON, RI 02919

Tracking History



July 26, 2016, 3:43 pm

Delivered

JOHNSTON, RI 02919

Your item was delivered at 3:43 pm on July 26, 2016 in JOHNSTON, RI 02919.

July 25, 2016, 3:02 pm

Notice Left (No Authorized Recipient Available)

JOHNSTON, RI 02919

July 23, 2016, 11:28 pm

Departed USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 11:32 am

Arrived at USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 8:55 amDeparted USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER**July 22, 2016, 10:59 pm**Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

Product Information

**See Less**

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9414 7266 9904 2072 0154 51

TO:

Gilbert Lantini, II
94 Taylor Drive
North Smithfield, RI 02896

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.465

3.30

2.70

6.465

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Do Not Use for International Mail

POSTMARK OR DATE

U.S.P.S.

JUL 22 2016



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[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042072015451

Remove X

Expected Delivery on

WEDNESDAY

24

AUGUST
2016 ⓘ

by

8:00pm ⓘ

 **Delivered**

August 24, 2016 at 9:04 am
DELIVERED, LEFT WITH INDIVIDUAL
LOWELL, MA 01851

Tracking History



August 24, 2016, 9:04 am

Delivered, Left with Individual

LOWELL, MA 01851

Your item was delivered to an individual at the address at 9:04 am on August 24, 2016 in LOWELL, MA 01851.

August 24, 2016, 7:58 am

Out for Delivery

LOWELL, MA 01854

August 24, 2016, 7:48 am

Sorting Complete

LOWELL, MA 01854

August 24, 2016, 7:03 am

Arrived at Unit

LOWELL, MA 01854

August 23, 2016, 3:00 pm

Departed USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

August 22, 2016, 10:19 pm

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

August 21, 2016, 3:27 pm

Departed USPS Regional Facility

SHREWSBURY MA DISTRIBUTION CENTER

August 19, 2016, 4:42 pm

Arrived at USPS Regional Facility

SHREWSBURY MA DISTRIBUTION CENTER

August 16, 2016, 9:35 am

Unclaimed/Being Returned to Sender

WOONSOCKET, RI 02895

July 25, 2016, 12:07 pm

Notice Left (No Authorized Recipient Available)

NORTH SMITHFIELD, RI 02896

July 25, 2016, 7:39 am

Arrived at Unit

WOONSOCKET, RI 02895

July 23, 2016, 11:28 pm

Departed USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 11:32 am

Arrived at USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 8:55 am

Departed USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

July 22, 2016, 10:59 pm

Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

Product Information



See Less

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- Enter USPS Delivery Instructions™ for your mail carrier.

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9414 7266 9904 2072 0154 82

TO:

Gilbert Lantini, II
2075 Plainfield Pike
Johnston, RI 02919

SENDER:Rhode Island

REFERENCE:antini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.465

3.30

2.70

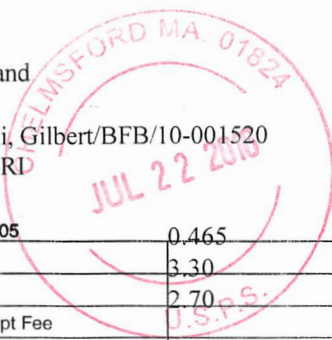
6.465

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POSTMARK OR DATE



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Track Another Package +

Tracking Number: 9414726699042072015482

Remove X

Expected Delivery on

THURSDAY

4

AUGUST
2016 ⓘ

by

8:00pm ⓘ

 **Delivered**

August 4, 2016 at 9:08 am
DELIVERED, LEFT WITH INDIVIDUAL
LOWELL, MA 01851

Tracking History



August 4, 2016, 9:08 am

Delivered, Left with Individual

LOWELL, MA 01851

Your item was delivered to an individual at the address at 9:08 am on August 4, 2016 in LOWELL, MA 01851.

August 4, 2016, 7:23 am

Out for Delivery

LOWELL, MA 01854

August 4, 2016, 7:17 am

Arrived at Unit

LOWELL, MA 01854

August 4, 2016, 7:13 am

Sorting Complete

LOWELL, MA 01854

August 3, 2016, 3:30 pm

Departed USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

August 3, 2016, 11:55 am

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

August 2, 2016, 8:45 am

Departed USPS Regional Facility

SHREWSBURY MA DISTRIBUTION CENTER

July 30, 2016, 12:36 pm

Arrived at USPS Regional Facility

SHREWSBURY MA DISTRIBUTION CENTER

July 23, 2016, 11:28 pm

Departed USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 11:32 am

Arrived at USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

July 23, 2016, 8:55 am

Departed USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

July 22, 2016, 10:59 pm

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

Product Information

See Less ^

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EXHIBIT

2

9414 7266 9904 2078 6680 40

TO:

Gilbert Lantini, II
23 Rotary Drive
Johnston, RI 02919

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.465
	Certified Fee	3.30
	Return Receipt Fee	2.70
	Restricted Delivery	6.465
	Total Postage & Fees	

USPS®
Receipt for
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No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042078668040

Remove X

Your item was delivered to an individual at the address at 3:34 pm on August 27, 2016 in JOHNSTON, RI 02919.

Delivered

August 27, 2016 at 3:34 pm
DELIVERED, LEFT WITH INDIVIDUAL
JOHNSTON, RI 02919

Tracking History



August 27, 2016, 3:34 pm

Delivered, Left with Individual
JOHNSTON, RI 02919

Your item was delivered to an individual at the address at 3:34 pm on August 27, 2016 in JOHNSTON, RI 02919.

August 26, 2016, 9:48 pm

Departed USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 26, 2016, 7:40 am

Arrived at USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 25, 2016, 10:57 pm

Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

Product Information

**See Less**

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9414 7266 9904 2078 6683 09

TO:

Gilbert Lantini, II
c/o John Ennis, Esq
1200 Reservoir Avenue
Cranston, RI 02920

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	0.465
	Certified Fee	3.30
	Return Receipt Fee	2.70
	Restricted Delivery	6.465
	Total Postage & Fees	

USPS®
Receipt for
Certified Mail®

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

AUG 25 2013

U.S.P.S.

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042078668309

Remove X

Your item was delivered to an individual at the address at 9:33 am on August 29, 2016 in CRANSTON, RI 02920.

Delivered

August 29, 2016 at 9:33 am
DELIVERED, LEFT WITH INDIVIDUAL
CRANSTON, RI 02920

Tracking History



August 29, 2016, 9:33 am

Delivered, Left with Individual
CRANSTON, RI 02920

Your item was delivered to an individual at the address at 9:33 am on August 29, 2016 in CRANSTON, RI 02920.

August 26, 2016, 9:48 pm

Departed USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 26, 2016, 7:40 am

Arrived at USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 25, 2016, 10:57 pm

Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

Product Information

**See Less**

Can't find what you're looking for?

Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

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2. Article Number



9414 7266 9904 2078 6683 09

3. Service Type **CERTIFIED MAIL®**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Gilbert Lantini, II
c/o John Ennis, Esq
1200 Reservoir Avenue
Cranston, RI 02920

Lantini, Gilbert/BFB/10-001520 FC02-RI

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

RECEIVED

By gstemn at 5:46 pm, 9/1/16

C. Signature

X

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Agent
☐ Addressee

☐ Yes
☐ No

9414 7266 9904 2078 6680 33

TO:

Gilbert Lantini, II
94 Taylor Drive
North Smithfield, RI 02896

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

**RETURN
RECEIPT
SERVICE**

Postage

0.465

Certified Fee

3.30

Return Receipt Fee

2.70

Restricted Delivery

6.465

Total Postage & Fees

USPS®
Receipt for
Certified Mail®

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

U.S.P.S.

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042078668033

Remove X

Your item has been delivered to the original sender at 9:21 am on October 4, 2016 in LOWELL, MA 01851.

Delivered

October 4, 2016 at 9:21 am
DELIVERED, TO ORIGINAL SENDER
LOWELL, MA 01851

Tracking History



October 4, 2016, 9:21 am

Delivered, To Original Sender
LOWELL, MA 01851

Your item has been delivered to the original sender at 9:21 am on October 4, 2016 in LOWELL, MA 01851.

October 4, 2016, 7:46 am

Sorting Complete
LOWELL, MA 01854

October 4, 2016, 7:02 am

Arrived at Unit
LOWELL, MA 01854

October 3, 2016, 9:06 am

Departed USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

October 2, 2016, 12:55 am

Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

October 1, 2016, 11:41 am

Arrived at USPS Regional Facility
SHREWSBURY MA DISTRIBUTION CENTER

September 21, 2016, 1:23 pm

Unclaimed/Being Returned to Sender
WOONSOCKET, RI 02895

August 27, 2016, 3:38 pm

Notice Left (No Authorized Recipient Available)
NORTH SMITHFIELD, RI 02896

August 27, 2016, 8:20 am

Out for Delivery
WOONSOCKET, RI 02895

August 27, 2016, 8:10 am

Sorting Complete
WOONSOCKET, RI 02895

August 27, 2016, 6:54 am

Arrived at Unit
WOONSOCKET, RI 02895

August 26, 2016, 9:48 pm

Departed USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 26, 2016, 7:40 am

Arrived at USPS Regional Facility
PROVIDENCE RI DISTRIBUTION CENTER

August 25, 2016, 10:57 pm

Arrived at USPS Regional Facility
BOSTON MA DISTRIBUTION CENTER

Product Information

**See Less**

Can't find what you're looking for?

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9414 7266 9904 2078 6687 98

TO:

Gilbert Lantini, II
2075 Plainfield Pike
Johnston, RI 02919

SENDER: Rhode Island

REFERENCE: Lantini, Gilbert/BFB/10-001520
FC02-RI

PS Form 3800, January 2005

RETURN
RECEIPT
SERVICE

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.465

3.30

2.70

6.465

USPS®

**Receipt for
Certified Mail®**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

U.S.P.S.

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 9414726699042078668798

Remove X

Expected Delivery on

TUESDAY

20

SEPTEMBER
2016 ⓘ

by

8:00pm ⓘ

✓ **Delivered**

September 20, 2016 at 9:21 am
DELIVERED, LEFT WITH INDIVIDUAL
LOWELL, MA 01851

Tracking History



September 20, 2016, 9:21 am

Delivered, Left with Individual
LOWELL, MA 01851

Your item was delivered to an individual at the address at 9:21 am on September 20, 2016 in LOWELL, MA 01851.

September 20, 2016, 7:57 am

Out for Delivery
LOWELL, MA 01854

September 20, 2016, 7:47 am

Sorting Complete
LOWELL, MA 01854

September 20, 2016, 6:58 am

Arrived at Unit

LOWELL, MA 01854

September 19, 2016, 10:33 pm

Departed USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

September 18, 2016, 12:05 am

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

September 17, 2016, 9:37 am

Arrived at USPS Regional Facility

SHREWSBURY MA DISTRIBUTION CENTER

September 13, 2016, 12:56 pm

Unclaimed/Being Returned to Sender

JOHNSTON, RI 02919

August 27, 2016, 11:53 am

Notice Left (No Authorized Recipient Available)

JOHNSTON, RI 02919

August 26, 2016, 9:48 pm

Departed USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

August 26, 2016, 7:40 am

Arrived at USPS Regional Facility

PROVIDENCE RI DISTRIBUTION CENTER

August 25, 2016, 10:57 pm

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER

Product Information

See Less 

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(https://reg.usps.com/entreg/RegistrationAction_input?

(https://www.usps.com/)

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